

MESSAGE NO: 5010117 MESSAGE DATE: 01/10/1995

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: ORD-Order PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-827

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/28/1994 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING ORDER ON CERTAIN CASED PENCILS FM THE PRC (A-570-827)

MESSAGE NO: 5010117

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CASES: A - 570 - 827

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PERIOD COVERED: 12 28 1994 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: ANTIDUMPING ORDER ON CERTAIN CASED PENCILS FM THE PRC
(A-570-827)

1. ON DECEMBER 28, 1994, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS ANTIDUMPING DUTY ORDER IN THE INVESTIGATION OF CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC).

2. THE PRODUCTS COVERED BY THIS INVESTIGATION ARE CERTAIN CASED PENCILS OF ANY SHAPE OR DIMENSION WHICH ARE WRITING AND/OR DRAWING INSTRUMENTS THAT FEATURE CORES OF GRAPHITE OR OTHER MATERIALS ENCASED IN WOOD AND/OR MAN-MADE MATERIALS, WHETHER OR NOT DECORATED AND WHETHER OR NOT TIPPED (E.G., WITH ERASERS,

ETC.) IN ANY FASHION, AND EITHER SHARPENED OR UNSHARPENED. THE PENCILS SUBJECT TO THIS INVESTIGATION ARE CLASSIFIED UNDER SUBHEADING 9609.10.00 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS").

SPECIFICALLY EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE MECHANICAL PENCILS, COSMETIC PENCILS, PENS, NON-CASED CRAYONS (WAX), PASTELS, CHARCOALS, AND CHALKS.

ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED THE FOLLOWING INVESTIGATION NUMBER: (A-570-827).

4. THE INTERNATIONAL TRADE COMMISSION (ITC) NOTIFIED THE DEPARTMENT OF COMMERCE THAT IMPORTS OF CERTAIN CASED PENCILS FROM

THE PEOPLE'S REPUBLIC OF CHINA (PRC) THREATEN MATERIAL INJURY TO THE U.S. INDUSTRY. THE ITC DID NOT DETERMINE, BUT FOR THE SUSPENSION OF LIQUIDATION OF ENTRY SUMMARIES OF CERTAIN CASED PENCILS FROM THE PRC, THE DOMESTIC INDUSTRY WOULD HAVE BEEN MATERIALLY INJURED. CRITICAL CIRCUMSTANCES NO LONGER APPLIES TO THIS INVESTIGATION. THEREFORE, THE CUSTOMS SERVICE SHALL TERMINATE SUSPENSION, REFUND ANY CASH DEPOSIT AND RELEASE ANY BOND OR OTHER SECURITY OF CERTAIN CASED PENCILS FROM THE PRC FOR ENTRY SUMMARIES ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION PRIOR TO DECEMBER 21, 1994, THE DATE OF PUBLICATION OF THE ITC'S FINAL DETERMINATION IN THE FEDERAL REGISTER.

INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.

THE CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION FOR

CERTAIN CASED PENCILS FROM THE PRC (### EXCEPT FOR THOSE DESCRIBED IN PARAGRAPH 5 A-570-827-001 & A570-827-004 ###) WITH RESPECT TO ENTRY SUMMARIES ENTERED OR WITHDRAWN WAREHOUSE, FOR CONSUMPTION ON OR AFTER DECEMBER 21, 1994, THE DATE OF PUBLICATION OF THE ITC'S FINAL DETERMINATION IN THE FEDERAL REGISTER.

5. THE DEPARTMENT OF COMMERCE IS EXCLUDING FROM THE APPLICATION OF THE ORDER PRODUCTS THAT ARE SOLD BY EITHER CHINA FIRST OR GUANGDONG PROVINCIAL AND MANUFACTURED BY THE PRODUCERS WHOSE INFORMATION FORMED THE BASIS FOR THE ZERO MARGIN. THEREFORE, THE AD VALOREM WEIGHTED-AVERAGE DUMPING MARGINS FOR ANY PRODUCTS PRODUCED BY CHINA FIRST AND EXPORTED BY CHINA FIRST AND ANY PRODUCTS MANUFACTURED BY THREE STAR STATIONERY AND EXPORTED BY GUANGDONG STATIONERY ARE ZERO.

HOWEVER, THE AD VALOREM WEIGHTED-AVERAGE DUMPING MARGINS FOR CASED PENCILS MANUFACTURED BY ANY OTHER PRC MANUFACTURER AND EXPORTED BY EITHER CHINA FIRST OR GUANGDONG IS 44.66 PERCENT (THE "ALL OTHER RATE").

IN ORDER TO COMPLY WITH THE ABOVE, THE CUSTOMS SERVICE SHOULD PROCEED IN THE FOLLOWING MANNER WITH RESPECT TO IMPORTS OF CASED PENCILS FROM CHINA FIRST AND GUANGDONG PROVINCIAL:

IF CHINA FIRST IS THE EXPORTER AND CHINA FIRST IS ALSO THE MANUFACTURER/PRODUCER (A-570-827-004), THEN THE DUMPING MARGIN/CASH DEPOSIT RATE EQUALS 0.00 PERCENT, (### EXCLUDED ###)

IF CHINA FIRST IS THE EXPORTER AND CHINA FIRST IS NOT THE MANUFACTURER/PRODUCER (A-570-827-000), THEN THE DUMPING MARGIN/CASH DEPOSIT RATE EQUALS 44.66 PERCENT, THE "ALL OTHER RATE",

IF GUANGDONG PROVINCIAL IS THE EXPORTER AND THREE STAR IS THE MANUFACTURER/PRODUCER (A-570-827-001), THEN THE DUMPING MARGIN/CASH DEPOSIT RATE EQUALS 0.00 PERCENT, (### EXCLUDED ###)

IF GUANGDONG IS THE EXPORTER AND THREE STAR IS NOT THE MANUFACTURER/PRODUCER (A-570-827-000), THEN THE DUMPING MARGIN/CASH DEPOSIT RATE EQUALS 44.66 PERCENT, THE "ALL OTHER RATE".

EFFECTIVE DECEMBER 28, 1994, THE CUSTOMS SERVICE SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE MARGINS BELOW:

MANUFACTURER/ PRODUCER/EXPORTER	CUSTOMS ID #	AD VALOREM
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CHINA FIRST CO. LTD. (### EXCLUDED ###) (SEE PARAGRAPH 5 FOR FURTHER EXPLANATION)	A-570-827-004	0.00%
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SHANGHAI LANSHENG CORP.	A-570-827-003	17.45%
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SHANGHAI FOREIGN TRADE CORP.	A-570-827-002	8.31%
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GUANGDONG PROVINCIAL (### EXCLUDED ###) (SEE PARAGRAPH 5 FOR FURTHER EXPLANATION)	A-570-827-001	0.00%
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ALL OTHER	A-570-827-000	44.66%
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6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE REGIONAL ANTIDUMPING/COUNTERVAILING DUTY COORDINATOR, TRADE COMPLIANCE DIVISION, ANTIDUMPING/COUNTERVAILING DUTY BRANCH, USING ATTRIBUTE "HQ OAB". THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES

SHOULD CONTACT KRISTIN HEIM, OFFICE OF COUNTERVAILING DUTY INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-3798.

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party